

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 352

January 21, 2021

SUMMARY OF BILL: Prohibits forfeiture of bail security from becoming final in a court located within an area that has been declared by the Governor to be in a state of emergency until 180 days after the expiration of the declaration.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 40-11-139(a), if the defendant whose release is secured does not comply with the conditions of the bail bond, the court shall enter an order declaring the bail to be forfeited. The defendant's surety will be served with scire facias upon the forfeiture entered and a capias shall be issued for the defendant. When the defendant, who failed to appear pursuant to conditions of a bail bond, is arrested on a capias, the surety on the defendant's forfeited bond is released.
- Per the language of this legislation, the forfeiture of bail security does not become final in a court located within the area that has been declared to be in a state of emergency until 180 days after the expiration of that declaration for the affected area.
- Passage of this legislation may postpone some forfeitures relative to the time it may take under current law. It is assumed such forfeitures would occur under current law, as well as under the provisions of this legislation. Therefore, any change in the number of forfeitures commenced statewide is not expected to be significant.
- Some of the revenue from the defendants' sureties for the bail and costs of the proceedings may shift backwards, if a state of emergency is declared within their jurisdiction; however, the total revenue received over time is not expected to change significantly. As a result, any fiscal impact related is estimated to be not significant.
- It can be reasonably assumed that the court clerks can meet the provisions of the proposed legislation within existing resources without an increase in expenditures.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, flowing style.

Bojan Savic, Interim Executive Director

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